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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,887	08/31/2001	Donald J. Remboski	IA00009	4070

22863 7590 10/22/2003

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
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PHOENIX, AZ 85018

EXAMINER

SHAH, CHIRAG G

ART UNIT PAPER NUMBER

2664

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/944,887

Applicant(s)

REMBOSKI ET AL.

Examiner

Chirag G Shah

Art Unit

2664

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-19

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The Applicants are presenting additional arguments which do not render the claims allowable after the prosecution on the merit is closed. Applicant continues to argue that Razavi does not teach or suggest an active network. Examiner disagrees and redirects Applicant to Razavi's reference. Razavi discloses in figure 2, of an Active Network, in-car Ethernet LAN (figure 2, item 24) for communicating data between devices within the vehicle. Razavi further discloses of an in-car subnetwork on page 5, lines 38 to page 6, lines 23 of communication devices such as wireless modems 26, CDPD modem 27, cellular phone 29 and wireless Ethernet 28 disposed within the vehicle having a vehicle related function. Furthermore, Razavi discloses in column 6, lines 1-2, that all of the components of the in-car subnetwork are either directly plugged into the compute platform or coupled via an Ethernet connection, thus the devices such as 26, 27 and 29 are coupled to the Active Network, in-car Ethernet LAN (figure 2, item 24) and wherein the device includes a device network element interfaces forming a portion of the active network as claim 1. With respect to claim 13, Razavi discloses in figure 1, 2, page 12 and respective portions of the specification a vehicle comprising an Active Network, Ethernet LAN 24 for communications within the vehicle, the Ethernet LAN 24 comprises a plurality of active network elements interfaces within devices such as 26, 27 and 29 coupled by a wired or wireless communication media, a method of coupling a device to the active network Ethernet LAN 24. In addition, during an interview with the Attorney and the Applicant on September 17, 2003, Applicant explains that Razavi et al. discloses a passive network since packet reaching to the destination is not guaranteed in an ethernet network (active network complies with QoS requirement). However, an "active network" by those skilled in the art means a network that is actively transmitting in the broadest interpretation as the Ethernet LAN (the components may be directly plugged into or coupled via an ethernet connection) as disclosed in Razavi's invention.